

1 **DECISION AND ORDER**
2 **OF THE**
3 **BOARD OF PSYCHOLOGY**
4 **DEPARTMENT OF CONSUMER AFFAIRS, STATE OF CALIFORNIA**

5 The foregoing Stipulation for Surrender of License by respondent, Deborah Ruth
6 Ross, Ph.D., in Case No. W274, is hereby accepted and shall become the Decision and Order of
7 the Board of Psychology, Department of Consumer Affairs, State of California.

8 An effective date of March 13, 2005, is hereby assigned to this Decision
9 and Order.

10 Made this 11th day of February, 2005.

11
12 *Jacqueline Horn, Ph.D.*
13 _____
14 JACQUELINE HORN, PH.D., PRESIDENT
15 FOR THE BOARD OF PSYCHOLOGY
16 DEPARTMENT OF CONSUMER AFFAIRS
17 STATE OF CALIFORNIA
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1 BILL LOCKER, Attorney General
of the State of California
2 VIVIEN H. HARA
Supervising Deputy Attorney General
3 BRENDA P. REYES, State Bar No. 129718
Deputy Attorney General
4 California Department of Justice
455 Golden Gate Avenue, Suite 11000
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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF PSYCHOLOGY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 DEBORAH RUTH ROSS, Ph.D.
13 19845 Skyline Blvd.
Los Gates, CA 95033

14 Psychologist's License No. PSY 8336

15 Respondent.

Case No. W274

OAF No. N2004110005

**STIPULATION FOR SURRENDER
OF LICENSE**

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17
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
19 the above-entitled proceeding that the following matters are true:

20 **PARTIES**

21 1. Complainant Thomas S. O'Connor is the Executive Officer of the Board
22 of Psychology ("Board"), who brought the Accusation in Case No. W274 solely in his official
23 capacity and is represented in the matter by Bill Locker, Attorney General of the State of
24 California, by Brenda P. Reyes, Deputy Attorney General.

25 2. Deborah Ruth Ross, Ph.D. ("respondent") is represented in this proceeding
26 by A. Steven Frankel, Ph.D., J.D., whose address is 3527 Mt.Diablo Blvd., # 269, Lafayette, CA
27 94549.

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1 3. Respondent's license history and status as set forth in Paragraphs 2 and 3
2 of the Accusation is true and correct.

3 **JURISDICTION**

4 4. The Accusation in Case No. W274 was filed before the Board of
5 Psychology, Department of Consumer Affairs, State of California and is currently pending
6 against respondent. The Accusation, together with all other statutorily required documents, was
7 duly served upon respondent on or about April 23, 2004, and respondent timely filed her Notice
8 of Defense contesting the Accusation. A true and correct copy of the Accusation is attached
9 hereto as "Exhibit A."

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read and fully discussed with her counsel the
12 nature of the charges and allegations contained in the Accusation and agrees that, if proven at
13 hearing, such charges and allegations would constitute cause for imposing discipline upon her
14 psychologist's license.

15 6. Respondent is fully aware of each of her legal rights, including the right to
16 a hearing on the charges and allegations contained in the Accusation; the right to confront and to
17 cross-examine witnesses who would testify against her; the right to testify and to present
18 evidence on her own behalf; the right to the issuance of subpoenas to compel the attendance of
19 witnesses and the production of documents; the right to reconsideration, judicial review, and
20 appeal of an adverse decision; and, any and all other rights which may be accorded respondent
21 pursuant to the California Administrative Procedure Act (Gov. Code, § 11500, *et seq.*) and other
22 applicable laws of the State of California.

23 7. Respondent hereby freely, voluntarily, and knowingly waives each and
24 every one of the rights set forth above in Paragraph 6.

25 8. Respondent hereby agrees to surrender her license for the Board's formal
26 acceptance. Respondent understands that by signing this stipulation she is enabling the Board of
27 Psychology to issue its order accepting the surrender of her license without further process. She
28 understands and agrees that Board staff and counsel for complainant may communicate directly

1 with the Board regarding this stipulation, without notice to or participation by respondent.

2 9. Upon acceptance of the stipulation by the Board, respondent understands
3 that she will no longer be permitted to practice as a psychologist in California, and she agrees to
4 surrender and cause to be delivered to the Board her license no later than the effective date of the
5 decision.

6 10. Respondent fully understands and agrees that if she ever files an
7 application for relicensure or reinstatement in the State of California, the Board shall treat it as a
8 petition for reinstatement. Respondent further understands that she must comply with all laws,
9 regulations and procedures for reinstatement of a revoked license in effect at the time the petition
10 is filed, and that all of the charges and allegations contained in Accusation No. W274 will be
11 deemed to be true, correct and admitted by respondent when the Board determines whether to
12 grant or deny the petition.

13 11. Respondent may not petition for reinstatement of her surrendered license
14 for three years from the effective date of this Decision. If the Board grants future reinstatement,
15 respondent agrees to reimburse the Board for its costs of investigation and prosecution of this
16 matter in the amount of twenty-two thousand nine hundred and thirty-five dollars (\$22,935.00)
17 payable to the Board upon the effective date of such reinstatement Decision.

18 **RESERVATION**

19 12. All admissions of fact and conclusions of law contained in this stipulation
20 are made exclusively for the purpose of settlement and compromise of this proceeding and any
21 future proceedings between the Board and respondent concerning this matter and shall not be
22 deemed to be admissions in any other administrative, criminal, or civil action, forum or
23 proceeding.

24 **CONTINGENCY**

25 13. This stipulation for surrender of license shall be subject to the approval of
26 the Board of Psychology. In the event that this stipulation is rejected for any reason by the
27 Board, it will be of no force or effect on either party, it shall be inadmissible in any legal action
28 between the parties, and the Board shall not be disqualified from further action by virtue of its

1 consideration of this stipulation.

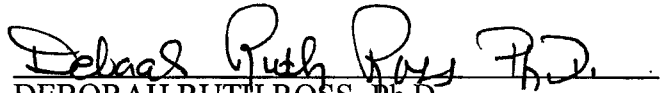
2 14. The parties agree that facsimile copies of this stipulation, including
3 facsimile signatures on it, shall have the same force and effect as the original stipulation and
4 signatures.

5
6 ACCEPTANCE

7 I, Deborah Ruth Ross, Ph.D., have carefully read the above Stipulation for
8 Surrender of License, and I have fully discussed the terms with my attorney, A. Steven Frankel,
9 Ph.D., J.D. With full knowledge of the force and effect of this Stipulation, I do hereby agree to
10 surrender my Psychologist's License No. PSY 8336 to the Board of Psychology, for its formal
11 acceptance. By signing this Stipulation to surrender my license, I recognize that upon its formal
12 acceptance by the Board, I will lose all rights and privileges to practice as a psychologist in the
13 State of California. I hereby agree to cause to be delivered to the Board my license no later than
14 the effective date of this decision.

15 DATED:

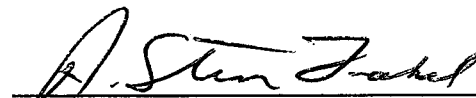
16 1/7/05

17 
18 DEBORAH RUTH ROSS, Ph.D.
19 Respondent

20 I have read and fully discussed with respondent Deborah Ruth Ross, Ph.D., the
21 terms and conditions and all other related matters contained in this Stipulation for Surrender of
22 License. I approve its form and content.

23 DATED:

24 1/3/05

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26 A. Steven Frankel, Ph.D., J.D.
27 Attorney for Respondent
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ENDORSEMENT

The foregoing Stipulation for Surrender of License is hereby respectfully
submitted for consideration by the Board of Psychology.

DATED: *January 11, 2005*

BILL LOCKER, Attorney General
of the State of California

By: *Brenda P. Reyes*
BRENDA P. REYES
Deputy Attorney General
Attorneys for Complainant

Exhibit A

1 BILL LOCKYER, Attorney General
2 of the State of California
3 VIVIEN H. HARA
4 Supervising Deputy Attorney General
5 BRENDA P. REYES (SBN 129718)
6 Deputy Attorney General
7 California Department of Justice
8 455 Golden Gate Avenue, Suite 11000
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10 Telephone: (415) 703-5541
11 Facsimile: (415) 703-5480

12 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO April 23 20 04
BY M. Jackmann ANALYST

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BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. W274

DEBORAH RUTH ROSS, Ph.D.
19845 Skyline Blvd.
Los Gatos, CA 95033

License No. PSY 8336

ACCUSATION

Respondent.

Complainant alleges:

PARTIES

1. Thomas S. O'Connor ("complainant") brings this Accusation solely in his official capacity as the Executive Officer of the Board of Psychology.

2. On January 16, 1984, Deborah Ruth Ross, Ph.D. ("respondent") was issued License Number PSY 8336 by the Board of Psychology ("Board"). The License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2005, unless renewed.

3. Said license has been previously disciplined as follows: On October 13, 1998, Accusation No. W 140 was filed against respondent by the Board, and effective

1 October 11, 2000, respondent's license was revoked, which revocation was stayed by five (5)
2 years' probation on terms and conditions. The charges against respondent in Case No. W 140
3 concerned respondent entering into a multiple role relationship with a patient, disclosure of
4 information received in professional confidence, repeated acts of negligence, and acts of
5 dishonesty. The events described in the instant Accusation took place from in or about August
6 1998 through in or about April 2000, and a complaint was made to the Board in July 2001 by
7 patient R.N. At all times during the Board's investigation of R.N.'s complaint, respondent was
8 on probation to the Board and remains on probation to the Board.

9 JURISDICTION

10 4. This Accusation is brought before the Board of Psychology under the
11 authority of the following sections of the Business and Professions Code.¹

12 A. Section 802, subdivision (a), provides, in pertinent part, that "Every
13 settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for
14 damages for death or personal injury caused by negligence, error or omission in practice, or by
15 the unauthorized rendering of professional services, by a person who holds a license . . . from an
16 agency mentioned in subdivision (a) of Section 800 [including the Board of Psychology] . . .
17 shall, within 30 days after the written settlement agreement has been reduced to writing and
18 signed by all the parties thereto. . . be reported to the agency that issued the license . . ."

19 B. Section 2960 states, in pertinent part, that the Board may suspend or
20 revoke the license of any licensee if the licensee has been guilty of unprofessional conduct,
21 which is defined to include, but not be limited to, any of the following causes:

22 "

23 "(i) Violating any rule of professional conduct promulgated by the board and set
24 forth in regulations duly adopted under this chapter.

25 "(j) Being grossly negligent in the practice of his or her profession.

26
27 1. All statutory references are to the Business and Professions Code unless otherwise
28 indicated.

1 “
2 “(n) The commission of any dishonest, corrupt, or fraudulent act.
3 “
4 “(r) Repeated acts of negligence.”

5 C. Section 2936 provides, in relevant part, that “the board shall establish as
6 its standards of ethical conduct relating to the practice of psychology, the code of ethics adopted
7 and published by the American Psychological Association (APA). Those standards shall be
8 applied by the board as the accepted standard of care . . . in all board enforcement policies and
9 disciplinary case evaluations.”

10 D. Section 125.3 states, in pertinent part, that in any order issued in resolution
11 of a disciplinary proceeding before any board within the California Department of Consumer
12 Affairs, the board may request the administrative law judge to direct a licensee found to have
13 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable
14 costs of the investigation and enforcement of the case.

15 E. Section 2964.6 states that “An administrative disciplinary decision that
16 imposes terms of probation may include, among other things, a requirement that the licensee who
17 is being placed on probation pay the monetary costs associated with monitoring the probation.”

18 5. The APA Ethical Standards (Adopted 1992) applicable to this case are:

19 A. 1.14 Avoiding Harm. “Psychologists take reasonable steps to avoid
20 harming their patients or clients, research participants, students, and others with whom they
21 work, and to minimize harm where it is foreseeable and unavoidable.

22 B. 1.17. Multiple Relationships. “ A psychologist refrains from
23 entering into or promising another personal, scientific, professional, financial, or other
24 relationship with such persons [such as patients, clients, students, supervisees, or research
25 participants] if it appears likely that such a relationship reasonably might impair the
26 psychologist’s objectivity or otherwise interfere with the psychologist’s effectively performing
27 his or her functions as a psychologist, or might harm or exploit the other party.

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1 C. 1.20 Consultations and Referrals. "(a) Psychologists arrange for
2 appropriate consultations and referrals based principally on the best interests of their patients or
3 clients, with appropriate consent, and subject to other relevant considerations, including
4 applicable law and contractual obligations. . . ."

5 D. 4.02 Informed Consent to Therapy. "(a) Psychologists obtain appropriate
6 informed consent to therapy or related procedures, using language that is reasonably
7 understandable to participants. The content of informed consent will vary depending on many
8 circumstances; however, informed consent generally implies that the person (1) has the capacity
9 to consent, (2) has been informed of significant information concerning the procedure, (3) has
10 freely and without undue influence expressed consent, and (4) consent has been appropriately
11 documented. . . ."

12 FACTUAL ALLEGATIONS

13 Patient R.N.

14 6. At all times relevant to the allegations contained herein, respondent was
15 practicing as a psychologist in and about Los Gatos, California.

16 7. In or about August 1998, respondent undertook to care for and treat patient
17 R.N.,² a female adult, and continued to so care for and treat R.N. until in or about April 2000.
18 R.N. was first referred to respondent for hypnosis to help her in passing the California State Bar
19 Examination, but soon thereafter, R. N. asked respondent be her primary therapist to address
20 issues of childhood sexual abuse and sexual dysfunction. Respondent's working diagnoses
21 during the course of treatment included "Psychological Factors Affecting Physical Condition"
22 (DSM-III-R 316.00), as well as Post-Traumatic Stress Disorder stemming from childhood sexual
23 abuse and Multiple Personality Disorder/Dissociative Identity Disorder which involved several
24 alter egos. At the outset of therapy, R.N. made respondent aware of her concern about "relaxed
25 boundaries" in therapy and her need for appropriate boundaries due to issues that had arisen with
26

27
28 2. Initials are used to protect patient privacy. The name of the patient is known to respondent.

1 a prior therapist.

2 8. Beginning in or about November 1998, "A.J.," a marriage and family
3 therapist intern, began "consulting" with respondent in R.N.'s therapy sessions, which included
4 his conducting "eye movement desensitization and reprocessing" (EMDR) treatments. A.J.
5 continued as a participant and/or co-therapist with respondent throughout the course of R.N.'s
6 treatment with respondent. Respondent and A.J. were romantically involved during some or all
7 of the time that they co-treated R.N. Respondent's records for R.N. do not document the nature
8 and purpose for consultation with A.J.

9 9. During the course of the therapist/patient relationship with R.N.,
10 respondent interacted with the patient in a number of ways which were inappropriate to the
11 nature of the relationship. These actions included:

12 A. During therapy, respondent discussed her personal life and personal
13 feelings with R.N. For example, respondent told R. N. about her home and horses
14 and that she would take R.N. horseback riding; about financial difficulties she was
15 having; that her father was abusive; that she hated her sister; and, that she was
16 physically ill with intestinal problems. Respondent also discussed her relationship
17 with A.J., including aspects of their sexual relationship, and respondent and A.J.
18 at times kissed, hugged, and fought during R.N.'s therapy sessions.

19 B. Beginning in or about November 1999, on approximately four (4)
20 occasions, R.N. accompanied respondent, respondent's dog Ivy, and at times A.J.,
21 on social outings to the beach, where they would socialize and play with the dog.

22 C. Respondent sought legal advise from R.N. regarding how to "judgment
23 proof" her property and how to write a will to ensure her sister would not get anything.

24 D. During the course of therapy, respondent repeatedly held out to R.N.
25 the promise of a friendship after termination of therapy.

26 E. When R.N. began to question the quality of her therapy with respondent,
27 respondent blamed R.N. for making her ill.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Gross Negligence/Repeated Negligent Acts)

3 10. Respondent's conduct, as alleged in paragraphs 7, 8, and 9, above,
4 constitutes gross negligence and/or repeated acts of negligence and/or violations of the APA
5 Code of Ethics in that:

- 6 A. Respondent discussed her personal life with and sought legal advice from
7 R.N., thereby setting up a conflict situation for R.N., distracting her from
8 her own work and having her focus instead on taking care of the therapist
9 or defending against the intrusion into the therapist/patient relationship.
10 B. Respondent invited R.N. for social walks on the beach with her dog and
11 A.J., creating a dual relationship with R.N. and setting herself up as a
12 companion/friend as well as therapist, thus confusing R.N. and distracting
13 from and endangering the therapeutic relationship.
14 C. Respondent promised a friendship after therapy, thereby compromising the
15 therapy by distracting R.N. from her own problems to focus on the hope
16 of friendship.
17 D. Respondent blamed R.N. for making her ill, damaging the patient either in
18 causing her to feel unwarranted guilt or defensive anger or both.
19 E. Respondent failed to document the nature and purpose of consultation
20 with A.J.

21 11. Therefore, respondent is subject to discipline under section 2960,
22 subdivisions (i), and/or (j), and/or (r); and section 2936 through APA standards 1.14, 1.17, 1.20,
23 and 4.02.

24 **FACTUAL ALLEGATIONS**

25 **Settlement Agreement with R.N.**

26 12. In or about July 2001, R.N. discovered that respondent had been
27 disciplined by the Board for conduct that bore a striking similarity to respondent's conduct
28 toward her. R.N. notified respondent that she was prepared to file a complaint with the Board

1 and offered, in the alternative, to settle the matter conditioned on respondent's agreement to
2 undergo the Board's ordered psychological examination and payment of \$8,000.00 to R.N., or by
3 payment of \$10,000.00 in lieu of the examination requirement, by August 1, 2001.

4 13. Respondent initially wrote R.N. that her complaints and offer of settlement
5 "comes as a terrible disappointment to me." Respondent, however, later retained counsel and
6 made a counter offer of \$2,500.00 and agreement to undergo the psychological examination as
7 long as R.N. agreed, among other things: 1) to maintain strict confidentiality with respect to the
8 settlement; 2) to dismiss and/or irrevocably withdraw all legal or administrative proceedings or
9 complaints with prejudice; 3) to not file, participate in, or cooperate with any other legal or
10 administrative proceedings relating in any way to respondent or her therapy; and, 4) to repay the
11 full amount of the settlement for any violation of the agreement. R.N. countered with a
12 \$12,500.00 demand and agreement to the terms and conditions set forth by respondent to the
13 extent allowable by law. Finally, on or about October 22, 2001, a settlement agreement was
14 signed wherein respondent agreed to pay R.N. \$10,000.00; R.N. agreed to not cooperate with the
15 Board's investigation, to include the withdrawal of all complaints and releases for records; and
16 both respondent and R.N. agreed to keep confidential the nature and substance of R.N.'s
17 complaints against respondent and the terms of the signed agreement. Respondent did not, and
18 has not, reported the settlement agreement to the Board.

19 14. As a result of the agreement, R.N. did, in fact, withdraw the releases she
20 had previously executed for the Board's investigation and did, in fact, assert her right to privacy.
21 The Board then issued an investigational subpoena duces tecum to respondent requesting R.N.'s
22 records on or about March 18, 2003. R.N. objected to the subpoena, asserting her right of
23 privacy, and respondent, through her counsel, also wrote to the Board's investigator indicating
24 that she had to honor R.N.'s assertion of her right to privacy. As a result, the Board petitioned
25 the Santa Clara County Superior Court for enforcement of the subpoena, following which the
26 records were ordered produced in or about August 2003. The records were finally produced by
27 respondent in or about September 2003.

28 15. Respondent knew, or should have known, that she was required to disclose

1 the settlement with R.N. pursuant to section 802. Further, respondent entered into an
2 unenforceable and void settlement agreement with R.N. in an effort to conceal evidence of her
3 wrongdoing and obstruct the Board's investigation into her alleged misconduct, and she caused
4 her former patient R.N., through this process, to become an accomplice in her concealment.

5 **SECOND CAUSE FOR DISCIPLINE**

6 (Unprofessional Conduct; Acts of Dishonesty/Corruption)

7 16. Respondent's conduct as alleged in paragraphs 12 through 15, above,
8 constitutes unprofessional conduct and acts of dishonesty or corruption, and therefore, cause
9 exists for discipline pursuant to section 2960, subdivision (n).

10 **PRAYER**


11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Board of Psychology issue a decision:

13 1. Revoking or suspending Psychologist's License Number PSY 8336, issued
14 to respondent Deborah Ruth Ross, Ph.D.;

15 2. Ordering Deborah Ruth Ross, Ph.D. to pay to the Board the reasonable
16 costs of the investigation and enforcement of this case, and, if placed on probation, the costs of
17 probation monitoring; and

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: April 23, 2004.

20
21 
22 THOMAS S. O'CONNOR
23 Executive Officer
24 Board of Psychology
25 State of California
26 Complainant
27
28